

*** NOT FOR PUBLICATION ***

NO. 26078

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KILOHANA RESIDENT COUNCIL, Plaintiff-Appellee

vs.

CONCHITA C. SOMERA and KORENA K. JUSTICE, Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CIV. NO. 1RC02-1-9902)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the statements supporting and contesting jurisdiction, the motion to dismiss appeal and the record, it appears that the August 22, 2003 order denying the motion to stay the summary possession proceeding is not an appealable final order or an appealable collateral order. Thus, this appeal is premature and we lack jurisdiction. HRS § 641-1(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 12, 2003.